

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

MARCUS LANCE TYLER,

Plaintiff,

V.

**JOHN DOE CORRECTIONAL  
OFFICERS, et al.,**

### Defendants.

CASE NO. C05-1189 RSM

ORDER

The Court, having reviewed the Plaintiff's Complaint, the Report and Recommendation of the Honorable Monica J. Benton, United States Magistrate Judge, and the remaining record, finds and Orders as follows:

- (1) The Court adopts the Report and Recommendation; Defendant's Motion for Summary Judgment is **GRANTED**;
  - (2) The matter is **DISMISSED** without prejudice;
  - (3) The Clerk is directed to send a copy of this Order to Plaintiff, counsel for defendants, and the Hon. Monica J. Benton.

DATED this 23rd day of June, 2006.

  
RICARDO S. MARTINEZ  
UNITED STATES DISTRICT JUDGE